IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R
S.B. Civil Second Appeal No.603 Of 2006.

Murlidhar Vs. Dargah Committee, Ajmer.

Date Of Order ::: 18.12.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. S.R. Joshi, Counsel for defendant-appellant
Mr. G.C. Jain, Counsel for plaintiff-respondent.

By the Court :

Heard learned counsel for both the parties.

Learned counsel for the defendant-appellant, on instructions of defendant-appellant does not press this appeal on merits and prays that some reasonable time may be granted to the defendant-appellant to handover the peaceful and vacant possession of the rented premises to the plaintiff-respondent.

Learned counsel for the plaintiff-respondent has no objection in granting time up to 31.12.2007 to the defendant-appellant to hand over the peaceful and vacant possession of the rented premises.

Both the parties agree to dispose off this second appeal on the following terms and conditions :-

1. The defendant-appellant undertakes to hand-over the vacant and peaceful possession of the suit premises, in dispute to the plaintiff-respondent on or before 31.12.2007. The plaintiff-respondent shall not execute the impugned decree till 31.12.2007.

2. The defendant-appellant undertakes to pay or deposit the entire arrears of mesne profit, if any within a period of one month from today and will further continue to pay the monthly mesne profit by 15th day of the next succeeding month or in advance to the plaintiff respondent.

3. The defendant-appellant further undertakes that he shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The defendant-appellant shall furnishes a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today with an advance copy to the opposite party.

5. The defendant-appellant is directed to deposit the amount of all arrears as well as future mesne profits, as directed above in the Office of the respondent i.e. Dargah Committee, Ajmer.

It is made clear that in case, the defendant appellant does not comply with any of the aforesaid conditions, then it will be open for the plaintiff

respondent to get decree passed in hid favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Narendra Kumar Jain) J.